

E-FILED 10/17/05

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

XICAT INTERACTIVE LTD.,

NO. 5:05-cv-803 RS

Plaintiff,

V.

CAPCOM ENTERTAINMENT,

ORDER DENYING PLAINTIFF'S MOTION TO COMPEL AND PARTIES' REQUESTS FOR SANCTIONS

Defendant.

18 Plaintiff Xicat Interactive Ltd. ("Xicat") moves to compel responses to its document request from
19 defendant Capcom Entertainment ("Capcom") and also seeks sanctions as a result of Capcom's alleged
20 failure to provide any responsive materials. Capcom states that all responsive documents have been
21 provided and that, as a result, it is entitled to sanctions since Xicat refused to withdraw its motion to compel
22 even after receiving the requested information. The motion to compel, as well as both parties' requests for
23 sanctions, was fully briefed and submitted on the papers pursuant to Civil L.R. 7-1(b). Although at the time
24 the moving papers were filed Xicat had not received any responsive documents, it concedes in its reply
25 brief that the motion to compel is now moot, as Capcom has since submitted sufficient responses to all
26 document requests. Xicat's motion to compel, therefore, is denied as moot. In addition, the Court denies
27 both parties' requests for sanctions, as neither side complied with Civil L.R. 7-8(a), which requires that a
28 motion for sanctions be filed independent of other motions.

United States District Court

For the Northern District of California

1 IT IS SO ORDERED.

2 Dated: 10/17/05

3 /s/ Richard Seeborg
4 RICHARD SEEBORG
5 United States Magistrate Judge
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1 **THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER HAS BEEN DELIVERED TO:**

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6 **Dated: 10/17/05**

Chambers of Judge Richard Seeborg

7 By: _____ /s/ **BAK**